

REMARKS

Claims 45-48, 50-51, and 53-54 are pending in the application. Claims 45-48 are presently rejected as being anticipated by Jones et al. Claims 45-48, 50-51 and 53-54 are presently rejected as being anticipated by Kwon et al. Claims 45-48 are presently rejected as being anticipated by MacLeod et al. Claims 45-48 are presently rejected as being obvious over Sambucetti et al., Taunton et al., Barrachini et al. and Bennett et al. Each basis for rejection is addressed separately below.

However, before the rejections are address below, Applicants note that the instant rejections are the exact rejections that Applicants addressed in response to the previous Office Action mailed from the USPTO on December 29, 2005 (the contents of which are incorporated herein by reference). In response, the instant Office Action only states that Applicants' remarks have been fully and carefully considered in their entirety, but fail to be persuasive. This statement alone is insufficient and fails to provide enough information to help Applicants identify a clear issue for appeal.

Therefore, although Applicants will address the same rejections again, Applicants respectfully request that the instant rejections either be withdrawn in view of the remarks below or that a further, non-final Office Action be issued articulating a position in sufficient detail as to why the remarks below are unpersuasive so that Applicants can identify the precise disagreement and respond.

Claims 45-48 are novel over Jones et al. Jones et al. discloses contacting a cell with TSA, a pan-inhibitor of all HDAC isoforms. This is in contrast with claims 45, which specifies that "one or more specific histone deacetylase isoforms, but less than all histone deacetylase isoforms" is inhibited. To anticipate a claim, a single reference must disclose every limitation of the claim, either explicitly or inherently. Jones et al. clearly does not meet this standard. Accordingly, Jones et al. cannot anticipate claims 45-48. Thus, Applicants respectfully request that this rejection be withdrawn.

Claims 45-48, 50-51 and 53-54 are novel over Kwon et al. Kwon et al. discloses contacting a cell with the HDAC inhibitor depudecin. Kwon et al. teaches that depudecin

inhibits HDAC-1 in an in vitro assay, but does not teach that it inhibits less than all HDAC isoforms. In fact, Kwon et al. teaches that depudecin in vivo induces hyperacetylation of histones, suggesting that it is a pan-inhibitor of all HDAC isoforms. To anticipate a claim, a single reference must disclose every limitation of the claim, either explicitly or inherently. Moreover, such anticipation must be clear. Kwon et al. clearly does not meet this standard, and thus cannot anticipate claims 45-48, 50-51 and 53-54. Thus, Applicants respectfully request that this rejection be withdrawn.

Claims 45-48 are novel over MacLeod et al. MacLeod et al. discloses a method of inhibiting cell proliferation by inhibiting histone deacetylase expression using antisense oligonucleotides. Antisense oligonucleotides, however, are not small molecules, either as that term is understood in the art, or as it is described in the specification. At page 23, last paragraph the specification states that “The term ‘small molecule’ as used in reference to the inhibition of histone deacetylase is used to identify a compound having a molecular weight preferably less than 1000 Da, more preferably less than 800 Da and most preferably less than 600Da”. This is consistent with the commonly accepted meaning of “small molecule inhibitor” in the art, which clearly distinguishes “small molecule inhibitors” from antisense oligonucleotides. Since claims 45-48 all require the use of a small molecule, they cannot be anticipated by MacLeod et al. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 45-48 are nonobvious and patentable over Sambucetti et al. Taunton et al., Baracchini et al. and Bennett et al. Without going into great detail about the teaching of each reference, Applicants acknowledge (without agreeing) that the point of the rejection is that it would be obvious to use antisense oligonucleotides in the methods according to the invention. For the reasons discussed in the MacLeod rejection above, however, this rejection does not go to the claimed invention, which requires a small molecule inhibitor. Accordingly, Applicants respectfully request that this rejection be withdrawn.

Conclusion

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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